

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 10/786,493 Confirmation : 3134
Applicant(s) : Isao HAYASHI
Filed : February 24, 2004
Title : BATTERY CHARGER AND METHOD THEREFOR

Art Unit : 2838
Examiner : Pia Florence TIBBITS

Docket No. : 1232-5306
Customer No. : 27123

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This responds to the Restriction Requirement dated June 15, 2006.

A. Status of Claims / Examiner Interview

This application was originally filed with claims 1-13. An Election Requirement dated April 14, 2006 was issued. In response to that Election Requirement, claims 1-2 and 6 and 13 were provisionally elected for further consideration on the merits with traverse.

Then, the Restriction Requirement dated June 15, 2006 was issued. That Restriction Requirement addressed all 13 pending claims and did *not* indicate that the prior Election Requirement was maintained. From this Applicant understands that the prior Election Requirement was withdrawn.

A teleconference with the examiner's supervisor was held to clarify status of the

Appl. No. 10/786,493
Response dated June 26, 2006
Reply to Restriction Requirement dated June 15, 2006

claims, and it was agreed that the above-interpretation of the record appeared reasonable.

If something else was intended, the examiner is requested to clarify the record.

B. Response to Restriction Requirement

The pending Restriction Requirement identified four groups of patentably distinct inventions as follows:

<u>Group</u>	<u>Invention</u>
I	Claims 1-2, 6 drawn to a method / apparatus for an input level responsive switching power supply, classified in class 323, subclass 300.
II	Claims 3-5 drawn to an apparatus with plural supply circuits, classified in class 307, subclass 46.
III	Claims 7-8 drawn to an apparatus for charging with detection of charging and voltage, classified in class 320, subclass 149.
IV	Claims 9-13 drawn to a method / apparatus detecting charging current amplitude, classified in class 320, subclass 152.

Applicants provisionally elect to pursue prosecution of group I (i.e., claims 1-2 and 6).

This election is made with traverse. Applicants respectfully submit that for such a requirement to be proper, “[t]here must be a serious burden on the examiner if restriction is not required.” M.P.E.P. § 803. Applicants respectfully submit that (1) all groups of restricted claims are properly presented in the same application; (2) undue diverse searching should not be required; and (3) all claims should be examined together. For the foregoing reasons, it is respectfully submitted that the election requirement should be withdrawn and an action on the

Appl. No. 10/786,493
Response dated June 26, 2006
Reply to Restriction Requirement dated June 15, 2006

merits of all the claims is respectfully solicited.

Should the Restriction Requirement be made final, Applicants expressly reserve the right to represent the non-elected claims in divisional application(s), if necessary. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-5306.

Dated: June 26, 2006

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

By: 

Matthew K. Blackburn
Registration No. 47,428

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile